

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by changing Sections 35 and 125 as follows:

6 (210 ILCS 9/35)

7 Sec. 35. Issuance of license.

8 (a) Upon receipt and review of an application for a license
9 and review of the applicant establishment, the Director may
10 issue a license if he or she finds:

11 (1) that the individual applicant, or the corporation,
12 partnership, or other entity if the applicant is not an
13 individual, is a person responsible and suitable to operate
14 or to direct or participate in the operation of an
15 establishment by virtue of financial capacity, appropriate
16 business or professional experience, a record of lawful
17 compliance with lawful orders of the Department and lack of
18 revocation of a license issued under this Act or the
19 Nursing Home Care Act during the previous 5 years;

20 (2) that the establishment is under the supervision of
21 a full-time director who is at least 21 years of age and
22 has (i) at least 2 years of experience in providing health
23 care services to adults with disabilities or the elderly

1 population either in an assisted living program, inpatient
2 hospital, long-term care setting, or adult day care or in a
3 health-related field approved by the Department and (ii) at
4 least 2 years of management experience ~~with ability,~~
5 ~~training, and education appropriate to meet the needs of~~
6 ~~the residents and to manage the operations of the~~
7 ~~establishment and who participates in ongoing training for~~
8 ~~these purposes;~~

9 (3) that the establishment has staff sufficient in
10 number with qualifications, adequate skills, education,
11 and experience to meet the 24 hour scheduled and
12 unscheduled needs of residents and who participate in
13 ongoing training to serve the resident population;

14 (4) that direct care staff meet the requirements of the
15 Health Care Worker Background Check Act;

16 (5) that the applicant is in substantial compliance
17 with this Act and such other requirements for a license as
18 the Department by rule may establish under this Act;

19 (6) that the applicant pays all required fees;

20 (7) that the applicant has provided to the Department
21 an accurate disclosure document in accordance with the
22 Alzheimer's Special Care Disclosure Act and in substantial
23 compliance with Section 150 of this Act.

24 In addition to any other requirements set forth in this
25 Act, as a condition of licensure under this Act, the director
26 of an establishment must participate in at least 20 hours of

1 training every 2 years to assist him or her in better meeting
2 the needs of the residents of the establishment and manage the
3 operation of the establishment.

4 Any license issued by the Director shall state the physical
5 location of the establishment, the date the license was issued,
6 and the expiration date. All licenses shall be valid for one
7 year, except as provided in Section 40. Each license shall be
8 issued only for the premises and persons named in the
9 application, and shall not be transferable or assignable.

10 (Source: P.A. 93-141, eff. 7-10-03.)

11 (210 ILCS 9/125)

12 Sec. 125. Assisted Living and Shared Housing Standards and
13 Quality of Life Advisory Board.

14 (a) The Director ~~Governor~~ shall appoint the Assisted Living
15 and Shared Housing Standards and Quality of Life Advisory Board
16 which shall be responsible for advising the Director in all
17 aspects of the administration of the Act. The Board shall give
18 advice to the Department concerning activities of the assisted
19 living ombudsman and all other matters deemed relevant by the
20 Director and to the Director concerning the delivery of
21 personal care services, the unique needs and concerns of
22 seniors residing in housing projects, and all other issues
23 affecting the quality of life of residents.

24 (b) The Board shall be comprised of the following persons:

25 (1) the Director who shall serve as chair, ex officio

1 and nonvoting;

2 (2) the Director of Aging who shall serve as
3 vice-chair, ex officio and nonvoting;

4 (3) one representative each of the Departments of
5 Public Health, Healthcare and Family Services ~~Public Aid~~,
6 and Human Services, the Office of the State Fire Marshal,
7 and the Illinois Housing Development Authority, and 2
8 representatives of the Department on Aging, all nonvoting
9 members;

10 (4) the State Ombudsman or his or her designee;

11 (5) one representative of the Association of Area
12 Agencies on Aging;

13 (6) four members selected from the recommendations by
14 provider organizations whose membership consist of nursing
15 care or assisted living establishments;

16 (7) one member selected from the recommendations of
17 provider organizations whose membership consists of home
18 health agencies;

19 (8) two residents of assisted living or shared housing
20 establishments;

21 (9) three members selected from the recommendations of
22 consumer organizations which engage solely in advocacy or
23 legal representation on behalf of the senior population;

24 (10) one member who shall be a physician;

25 (11) one member who shall be a registered professional
26 nurse selected from the recommendations of professional

1 nursing associations;

2 (12) two citizen members with expertise in the area of
3 gerontology research or legal research regarding
4 implementation of assisted living statutes;

5 (13) two members representing providers of community
6 care services; and

7 (14) one member representing agencies providing case
8 coordination services.

9 (c) Members of the Board appointed under paragraphs (5)
10 through (14) of subsection (b) shall be appointed to serve for
11 terms of 3 years except as otherwise provided in this Section.
12 All members shall be appointed by January 1, 2001, except that
13 the 2 members representing the Department on Aging appointed
14 under paragraph (3) of subsection (b) and the members appointed
15 under paragraphs (13) and (14) of subsection (b) shall be
16 appointed by January 1, 2005. One third of the Board members'
17 initial terms shall expire in one year; one third in 2 years,
18 and one third in 3 years. Of the 3 members appointed under
19 paragraphs (13) and (14) of subsection (b), one shall serve for
20 an initial term of one year, one shall serve for an initial
21 term of 2 years, and one shall serve for an initial term of 3
22 years. A member's term does not expire until a successor is
23 appointed by the Director ~~Governor~~. Any member appointed to
24 fill a vacancy occurring prior to the expiration of the term
25 for which his or her predecessor was appointed shall be
26 appointed for the remainder of that term. The Board shall meet

1 at the call of the Director. The affirmative vote of 10 members
2 of the Board shall be necessary for Board action. Members of
3 this Board shall receive no compensation for their services,
4 however, resident members shall be reimbursed for their actual
5 expenses.

6 (d) The Board shall be provided copies of all
7 administrative rules and changes to administrative rules for
8 review and comment prior to notice being given to the public.
9 If the Board, having been asked for its review, fails to advise
10 the Department within 90 days, the rules shall be considered
11 acted upon.

12 (Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.